

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Rick Ferrari, on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

ORDER

Civil No. 14-2956 (MJD/FLN)

Best Buy Co., Inc.,

Defendants.

Daniel Shulman and Richard Landon, Gray Plant & Mooty, Counsel for Plaintiffs.

Elliot S. Kaplan, Stephen P. Safranski and Katherine S. Barrett Wiik, Robins Kaplan LLP, Counsel for Defendant.

The above-entitled matter comes before the Court on the parties' objections to the Report and Recommendation of Magistrate Judge Franklin L. Noel dated March 18, 2015 recommending that the Court grant, in part, Defendant's motion to dismiss.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review, the Court will adopt the Report and Recommendation in its entirety.

IT IS HEREBY ORDERED:

1. To the extent Best Buy seeks to dismiss Plaintiff's claims under the Minnesota Unfair Trade Practices Act, the Minnesota Prevention of Consumer Fraud Act, and the Minnesota Uniform Deceptive Trade Practices Act (Plaintiff's First Cause of Action), the motion is **GRANTED** and Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** for lack of standing.
2. To the extent Best Buy seeks to dismiss all of Plaintiff's claims for products he did not purchase and advertising he did not see, the motion is **GRANTED** and Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** for lack of standing. Specifically, Plaintiff's claims are limited to televisions with the model number NS-65D260A13 and for advertising and marketing on the television box itself.
3. To the extent Best Buy seeks to dismiss Plaintiff's claim for injunctive relief, the motion is **DENIED**.
4. To the extent Best Buy seeks to dismiss Plaintiff's claims for failure to adequately plead allegations of fraud, the motion is **DENIED**.

5. To the extent Best Buy seeks to dismiss Plaintiff's claims for failing to plausibly allege a price premium injury, the motion is **DENIED**.

DATED: May 12, 2015

s/ Michael J. Davis
MICHAEL J. DAVIS
Chief Judge
United States District Court